

II. REMARKS

Claims 17-21 Stand Rejected Under 35 U.S.C. §101

In the Office Action, claims 17-21, were rejected under 35 U.S.C. §101 because the claimed invention is directed to non-statutory subject matter. In particular, the claims depend from claim 12, which recites, "An article of manufacture..." However, the claims are drawn to a method, and therefore claim more than one statutory class of invention. In light of the above claim amendments, Applicant respectfully submits that claims 17-21 are now in condition for allowance.

Claims 17-21 Stand Rejected Under 35 U.S.C. §112, Second Paragraph

In the Office Action, claims 17-21 were rejected under 35 U.S.C. §112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Applicant respectfully submits that claims 17-21 are now in condition for allowance in light of the above claim amendments.

Claims 1-6, 10-16, 20 and 21 Stand Rejected Under 35 U.S.C. §102(e)

In the Office Action, claims 1-6, 10-16, 20 and 21, were rejected under 35 U.S.C. §102(e) as being anticipated by U.S. Patent 6,581,105 (hereinafter Miloslavsky et al.). "A claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference." *Verdegaal Bros. v. Union Oil Co. of California*, 814 F.2d 628, 631, 2 USPQ2d 1051, 1053 (Fed. Cir. 1987). Miloslavsky et al. specifically teaches a system for routing messages to a support person. The system would be inoperative if an email message was routed to more than one support person. In particular, the efficiencies gained by the routing algorithm would become moot if multiple support personnel received an inquiry. This shows the limitations and the intention of the Miloslavsky et al. reference, namely, customer service call center management.

Claims 1, 2 and 12 are independent claims directed to computer-implemented methods and articles of manufacture and claims 3-11 and 13-21 depend there from. All of the pending claims require the solicitation of a plurality of qualified consultants to answer queries from human users. This is a limitation that is not found explicitly or implicitly in the Miloslavsky et al. reference. Therefore, Applicant respectfully submits that

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the present invention is not anticipated by Miloslavsky et al. reference and therefore the rejection should be withdrawn.

Claims 7-9 and 17-19 Stand Rejected Under 35 U.S.C. §103(a)

In the Office Action, claims 7-9 and 17-19 were rejected under 35 U.S.C. §103(a) as being unpatentable over U.S. Patent 6,581,105 (hereinafter Miloslavsky et al.) alone. "[R]ejections on obviousness grounds cannot be sustained by mere conclusory statements; instead, there must be some articulated reasoning with some rational underpinning to support the legal conclusion of obviousness." (*In re Kahn*, 441 F. 3d 977, 988 (CA Fed. 2006) cited with approval in KSR). As established above, the Miloslavsky et al. reference does not disclose the present invention. All of the pending claims require the solicitation of a plurality of qualified consultants to answer queries from human users. There is no evidence or suggestion in Miloslavsky et al. of such a configuration" *Ex Parte Katoh et al.*, 2007 WL 1540192 (BPAI May 29, 2007) (No. 2007-1460, Tech. Ctr. 3600). Therefore, Applicant points out that claims 7-9 and 17-19 are currently pending and are in condition for allowance.

IV CONCLUSION

In view of the above, claims 1-21 are pending and it is respectfully submitted that all of the pending claims in this application are in condition for allowance. Favorable action on this application is, therefore, solicited.

Respectfully submitted,



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